REMARKS

Claims 1-20 are now pending in this application. By this amendment, claims 1 and 12 are amended. For the reasons set forth below, Applicants respectfully request reconsideration and immediate allowance of this application.

I. Claim Rejections Under 35 U.S.C. §103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,538,623 to Parnian (hereinafter "Parnian") in view of U.S. Patent Application Publication No. 2003/0154009 to Basir et al. (hereinafter "Basir"). This rejection is respectfully traversed.

A. Claims 1-11 are allowable.

As amended, claim 1 recites that a video recorder comprises a processor communicating with memory; a loop buffer storing video data of an event captured by a camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded; a set of rules stored in the memory, the set of rules describing an event that causes the contents of the loop buffer to be transferred into the memory; when the processor determines that the event captured by the camera does not match the event described by the set of rules, then the processor discards the contents of the loop buffer; when the processor determines that the event captured by the camera matches the event described by the set of rules, then the processor transfers the contents of the loop buffer to the memory to provide time-delayed video data, the time-delayed video data preceding the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory; and the processor tags the time-delayed video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory.

Parnian does not teach, suggest, or describe a video recorder including the features recited by claim 1. On the contrary, Parnian describes a wearable and mobile multi-media data collection tool kit including a video camera connected to an electronic case file of the kit. Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive. This is not analogous to the video recorder recited by claim 1 because Parnian fails to teach, suggest, or

describe that the video recorder or the case includes a loop buffer storing video data of an event captured by a camera, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded. Instead, Parnian describes that the video may be stored in video memory or downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that either the video memory or the removable magnetic disc drive is a loop buffer as recited by claim 1.

Further, Parnian fails to teach, suggest, or describe a set of rules stored in memory, the set of rules describing an event that causes the contents of the loop buffer to be transferred into the memory such that when a processor determines that the event captured by the camera matches the event described by the set of rules, then the processor transfers the contents of the loop buffer to the memory to provide time-delayed video data, the time-delayed video data preceding the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory. Instead, as discussed above, Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that the video is transferred from a loop buffer to memory when a determination is made that an event matches an event described by a set of rules or that the transferred video provides time-delayed video data that precedes the event that matches the event described by the set of rules.

Moreover, Parnian fails to teach, suggest, or describe a processor that tags the time-delayed video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. As discussed above, Parnian fails to teach, suggest, or describe a set of rules describing an event that causes the contents of a loop buffer to be transferred into memory and also fails to teach, suggest, or describe time-delayed video data that precedes an event that matches the event described by the set of rules. It follows then that Parnian also fails to teach, suggest, or describe that the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

The Office Action notes that Parnian does not specifically disclose a loop buffer, set of rules, or processor as recited by claim 1 and relies on the teachings of Basir to cure, allegedly, the above-identified deficiencies of Parnian. However, like Parnian, Basir does not teach, suggest, or describe a video recorder including the features recited by claim 1. In contrast, Basir

describes a system for monitoring and analyzing real time visual and non-visual information operative to detect an eccentric event; *when the eccentric event is detected, continue to record for a fixed period of time*; and *once this time has elapsed, copy the data from a volatile memory, such as a circular buffer, to a non-volatile memory*. This is not analogous to the video recorder recited by claim 1 because Basir fails to teach, suggest, or describe that *when a processor determines that an event captured by a camera matches an event described by a set of rules, then the processor transfers the contents of a loop buffer to memory* to provide time-delayed video data, the time-delayed video data preceding the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory. Instead, Basir describes that **when an eccentric event is detected, recording is continued for a fixed period of time, and only after that fixed period of time has elapsed is the data copied from the volatile memory to the non-volatile memory**. Thus, Basir describes that once an eccentric event is detected, recording continues for a fixed period of time and **the data is not transferred until after that fixed period of time of recording** unlike claim 1 which recites that when a captured event matches an event described in the set of rules, then transferring the contents. More specifically, the timing of the transfer of data once the trigger occurs as described by Basir is not analogous to the timing of the transfer of data once the trigger occurs as recited by claim 1. Therefore, Basir fails to teach, suggest, or describe the video recorder as recited by claim 1.

The Office Action points to paragraphs [0040-0041] of Basir for support of its alleged assertion that Basir teaches that when a processor determines that an event captured by a camera matches an event described by a set of rules, then the processor transfers the contents of a loop buffer to memory to provide time-delayed video data, the time-delayed video data preceding the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory. However, Applicants respectfully disagree with the Office Action's assertion that these paragraphs teach the recitations of claim 1. Paragraphs [0040-0041] of Basir are reproduced below:

[0040] This data is stored directly in non-volatile storage (9) and is updated immediately after one of the events or statistics changes.

[0041] The occupant of the vehicle may choose to store events permanently for later retrieval at any time by using the user-trigger (7). This trigger simulates the occurrence of an eccentric event, and therefore causes the control units (2) of the data capture and video capture modules to continue recording for a fixed period of time, and then transfer the contents of the volatile (8) memory to the non-volatile memory (9).

Paragraph [0040] of Basir is better understood in light of the preceding paragraphs [0037]-[0039] of Basir which describe that significant events and statistics pertaining to a vehicle, such as the number of times the speed of the vehicle went over 130km/h, can be stored directly in non-volatile storage and updated immediately after one of the events or statistics changes. This is not analogous to the video recorder recited by claim 1 because Basir describes that changes in events or statistics associated with a vehicle are stored in non-volatile memory, without teaching, suggesting, or describing transferring the contents of a loop buffer to memory to provide time-delayed video data, the time-delayed video data preceding the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory.

Paragraph [0041] of Basir describes continuing to record for a fixed period of time when an eccentric event, or a trigger simulating the occurrence of an eccentric event, is detected, and once this time has elapsed, copying the data from a volatile memory, such as a circular buffer, to a non-volatile memory. Again, this is not analogous to the recitations of claim 1 because Basir fails to teach, suggest, or describe transferring the contents of a loop buffer to memory when an event captured by a camera matches an event described by a set of rules.

Moreover, Basir fails to teach, suggest, or describe that time-delayed video data is tagged with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Instead, Basir describes stamping the video data so that when the data is retrieved, the video data can be synchronized with playback of non-visual vehicle and occupant data. This is not analogous to the video recorder recited by claim 1 because Basir fails to teach, suggest, or describe that the video data is tagged with metadata describing the event that caused the contents

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of the loop buffer to be transferred to the memory. Basir only describes that the video data is stamped so that synchronized playback with non-visual vehicle and occupant data is possible without teaching, suggesting, or describing that the video data is tagged with metadata describing the event that caused the contents of a loop buffer to be transferred to memory.

For at least the reasons given above, claim 1 is allowable over the combined teaching of Parnian and Basir. Since claims 2-11 depend from claim 1 and recite further claim features, Applicants respectfully submit that claims 2-11 are also allowable over the combined teaching of Parnian and Basir. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claim 12-20 are allowable.

As amended, claim 12 recites that a method comprises storing video data of an event captured by a camera in a loop buffer, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded; applying a set of rules, the set of rules describing an event that causes contents of the loop buffer to be transferred into memory; when the event captured by the camera does not match the event described by the set of rules, then discarding the contents of the loop buffer; when the event captured by the camera matches the event described by the set of rules, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory; and tagging the preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory.

Parnian does not teach, suggest, or describe a method including the features recited by claim 12. On the contrary, Parnian describes a method for creating an electronic investigation record including storing video from a video camera in video memory associated with an electronic case file or downloading the video to a removable magnetic disc drive. This is not analogous to the method recited by claim 12 because Parnian fails to teach, suggest, or describe storing video data of an event captured by a camera in a loop buffer, the loop buffer storing the video data for a predetermined duration of time, after which the video data is transferred or discarded. Instead, Parnian describes that the video may be stored in video memory or downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that

either the video memory or the removable magnetic disc drive is a loop buffer as recited by claim 12.

Further, Parnian fails to teach, suggest, or describe applying a set of rules, the set of rules describing an event that causes contents of the loop buffer to be transferred into memory such that when the event captured by the camera matches the event described by the set of rules, then transferring the contents of the loop buffer to the memory to provide video data that precedes the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory; and tagging the preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Instead, as discussed above, Parnian describes that the video from the video camera can be stored in video memory associated with the electronic case file or can be downloaded to a removable magnetic disc drive, without teaching, suggesting, or describing that the video is transferred when a determination is made that an event captured by a camera matches an event described by a set of rules or that the transferred video precedes the event that matches the event described by the set of rules.

Moreover, Parnian fails to teach, suggest, or describe tagging preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. As discussed above, Parnian fails to teach, suggest, or describe a set of rules describing an event that causes the contents of a loop buffer to be transferred into memory and also fails to teach, suggest, or describe video data that precedes an event that matches the event described by the set of rules. It follows then that Parnian also fails to teach, suggest, or describe tagging preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory.

The Office Action notes that Parnian does not specifically disclose a loop buffer, set of rules, or processor as recited by claim 12 and relies on the teaching of Basir to cure, allegedly, the above-identified deficiencies of Parnian. However, like Parnian, Basir does not teach, suggest, or describe a method including the features recited by claim 12. In contrast, Basir describes a method for monitoring and analyzing real time visual and non-visual information including detecting an eccentric event; *when the eccentric event is detected, continuing to record for a fixed period of time; and once this time has elapsed, copying the data from a volatile memory, such as a circular buffer, to a non-volatile memory*. This is not analogous to the

method recited by claim 12 because Basir fails to teach, suggest, or describe that *when the event captured by the camera matches the event described by the set of rules, then transferring the contents of the loop buffer to the memory* to provide video data that precedes the event captured by the camera that matches the event described by the set of rules that causes transfer of the contents of the loop buffer to the memory. Instead, Basir describes that once an eccentric event is detected, recording continues for a fixed period of time and *the data is not transferred until after that fixed period of time of recording* unlike claim 12 which recites that when a captured event matches an event described in the set of rules, then transferring the contents. More specifically, the timing of the transfer of data once the trigger occurs as described by Basir is not analogous to the timing of the transfer of data once the trigger occurs as recited by claim 12. Therefore, Basir fails to teach, suggest, or describe the video recorder as recited by claim 12.

Moreover, Basir fails to teach, suggest, or describe tagging the preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Instead, Basir describes stamping the video data so that when the data is retrieved, the video data can be synchronized with playback of non-visual vehicle and occupant data. This is not analogous to the method recited by claim 12 because Basir fails to teach, suggest, or describe tagging the preceding video data with metadata describing the event that caused the contents of the loop buffer to be transferred to the memory. Basir only describes that the video data is stamped so that synchronized playback with non-visual vehicle and occupant data is possible.

For at least the reasons given above, claim 12 is allowable over the combined teaching of Parnian and Basir. Since claims 13-20 depend from claim 12 and recite further claim features, Applicants respectfully submit that claims 13-20 are also allowable over the combined teaching of Parnian and Basir. Accordingly, withdrawal of these rejections is respectfully requested.

II. Provisional Obviousness-Type Double-Patenting

Claims 1-3, 5-6, 8, 11-17, and 20 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1 and 3-7 of co-pending Application No. 10/674,995 (hereinafter "'995 Application") in view of Basir. Although Applicants still respectfully disagree with the Office Action's use of Basir in combination with claims 1 and 3-7 of the '995 Application to reject claims 1-3, 5-6, 8, 11-17, and 20 on the grounds of nonstatutory

obviousness-type double patenting, this provisional rejection will be addressed once allowable subject matter is indicated in either the current application or the '995 Application.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney at the number below.

Respectfully submitted,

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